

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

UNITED STATES OF AMERICA :  
 :  
 vs. :  
 :  
 RASHAUN ALLEN JUDGE : 2:17 - CR - 301

Status Conference in the above-captioned matter held  
on Monday, March 12, 2018, commencing at 2:09 p.m., before  
the Hon. P. Michael Duffy, in the United States Courthouse,  
Courtroom I, 81 Meeting Street, Charleston, South Carolina,  
29401.

APPEARANCES:

EMILY E. LIMEHOUSE, ESQ., Office of the  
U.S. Attorney, P.O. Box 978, Charleston, SC,  
appeared for the Government.

CAMERON J. BLAZER, ESQ., 1037 Chuck Dawley Blvd.,  
Mt. Pleasant, SC, appeared for defendant.

REPORTED BY DEBRA L. POTOCKI, RMR, RDR, CRR  
Official Court Reporter for the U.S. District Court  
P.O. Box 835  
Charleston, SC 29402

1 MS. LIMEHOUSE: Your Honor, we are here this  
2 afternoon in the matter of United States versus Rashaun Allen  
3 Judge, Criminal Docket No. 2:17-301. Mr. Judge is here today  
4 represented by his attorney, Miss Cameron Blazer. We are here  
5 for a status conference in regards to a motion that Mr. Judge  
6 filed to relieve counsel.

7 I have some information I'd like to put on the record,  
8 Your Honor, that I believe is pertinent to Mr. Judge's motion,  
9 whenever you'd like to hear from me. I know Miss Blazer has  
10 some things she'd like to put on the record as well.

11 THE COURT: I'll tell you what I'm going to do. I'm  
12 going to hear from you first --

13 MS. LIMEHOUSE: Perfect.

14 THE COURT: -- if you'll slow down a little bit for  
15 me.

16 MS. LIMEHOUSE: I'll work on that. Thank you.

17 As Your Honor is well aware, Mr. Judge pled guilty  
18 pursuant to a plea agreement that the parties entered into  
19 months ago. Pursuant to that plea agreement, Mr. Judge has  
20 cooperated with the Government and various federal agencies,  
21 both FBI and ATF and DEA, during the course of his  
22 cooperation. He's had numerous sit downs with these agencies  
23 and provided lots of information, both relevant to the case  
24 that brought us here today, as well as other criminal activity  
25 in the area.

1 Miss Blazer, during the course of his cooperation, has  
2 maintained contact with me and the various agents and agencies  
3 that Mr. Judge has cooperated with. She contacts me every few  
4 weeks to see sort of the status of where we are, to make sure  
5 we're on the same page, so what our long-term goals are for  
6 Mr. Judge and how we think he can achieve those goals. And  
7 she also discusses these goals and his cooperation with the  
8 individual agents who have sat down with Mr. Judge.

9 During the course of her representation of Mr. Judge, I  
10 think it's not an overstatement for me to say that Miss Blazer  
11 has represented him more vigorously than any other attorney I  
12 think of the defendants that I've prosecuted. She cares very  
13 deeply about Mr. Judge's interests and believes very strongly  
14 that the plea agreement that we entered into is most  
15 beneficial for both Mr. Judge and everyone involved, and of  
16 course I agree as well.

17 But for many reasons, the information that Mr. Judge has  
18 provided thus far is very likely to lead to a benefit for him  
19 in the long run. The million dollar question is when will  
20 that benefit come. And that is something that I can't assure  
21 him or Miss Blazer. But we both know that the nature of the  
22 information that he's provided and the people about whom he's  
23 provided information, are likely to lead to some sort of  
24 benefit in the long run.

25 So I think Miss Blazer and I are on the same page as far

1 as where we think this case will end up, it's just a matter of  
2 when. And it, of course, is contingent on other cooperators  
3 and other people beyond those people in this room today. It's  
4 contingent on the individual investigators who are  
5 investigating, based on the information that Mr. Judge has  
6 provided. I feel confident that they are diligently  
7 investigating, as they would any other leads. But  
8 particularly given Miss Blazer's persistence and zealous  
9 advocacy on behalf of Mr. Judge, that they are pursuing those  
10 leads that Mr. Judge has provided, and that that will in turn  
11 lead to some sort of benefit in the long run.

12 For those reasons, I just want the Court to know the  
13 Government's position as far as Miss Blazer's representation  
14 of Mr. Judge, and where we sort of stand on the plea  
15 agreement, why we got here and where we may be, it's just a  
16 matter of when we will be there.

17 THE COURT: Thank you, ma'am, I appreciate that.

18 Miss Blazer?

19 MS. BLAZER: Thank you, Your Honor. It is correct  
20 that we entered into a plea agreement that was filed and  
21 entered into on the record last fall. And while I do agree  
22 that -- with Miss Limehouse that on the -- in light of the  
23 options that were put in front of us, I did advise Mr. Judge  
24 that I thought that plea agreement was the best available  
25 resolution for him. I don't think Miss Limehouse will

1 disagree with me that I did not like that plea agreement, and  
2 I did not -- and I had hoped for a more favorable plea  
3 agreement as a result of the cooperation.

4 And the difficulty that Mr. Judge and I have at this point  
5 is not one of disrespect or dislike. I like Mr. Judge, and I  
6 believe Mr. Judge likes me. I'm not mad at him. Sometimes we  
7 come to these status conferences and you -- I've got arms  
8 crossed -- but you see lawyers with their arms crossed,  
9 irritated that they've been called out by their clients. I'm  
10 not upset with Mr. Judge that we're here, and I hope that the  
11 Court will give me a little bit of latitude to give you a  
12 reason not to be upset either.

13 As I think you're aware from our plea agreement, from our  
14 plea colloquy, Mr. Judge made a very difficult decision to  
15 enter his plea. We did not enter it precisely under Alford,  
16 but as you will recall, we said that while we disagreed with  
17 the Government's articulation of the facts of that night, we  
18 believed that information provided during the course of his  
19 proffer suggested that the charge of a 924(c) against  
20 Mr. Judge was supported by other conduct not contained in the  
21 indictment. And so we would have been -- it would have been  
22 difficult to plead under Alford, in light of that fact.

23 Mr. Judge has maintained, through his proffer and  
24 throughout my relationship with him, that the facts of that  
25 particular night are not as the Government perceives them.

1 And we were up until the eleventh hour trying to decide are we  
2 going to go -- were we going to plead or were we going to have  
3 a trial, even after we had cooperated on multiple occasions  
4 with three different agencies, by virtue of that difference  
5 with the Government.

6 Mr. Judge's prosecution began when he was contacted by an  
7 ATF agent, Miss Sherry Hamlin, and informed that there was a  
8 warrant against him. And she let him know that if he turned  
9 himself in, she would support a bond for him. She -- and she  
10 said so at his initial appearance. She had not run that by  
11 Miss Limehouse, nor by the Court, and no such bond was given  
12 to Mr. Judge. And the Court, I think, can understand how that  
13 set things off, from a trust perspective, on a tenuous foot.

14 The fact that in spite of his many efforts at cooperation,  
15 we never could get to a place where he and the Government saw  
16 eye to eye about the events of that night, I think have  
17 contributed to that trust gap.

18 And because of the extremely lengthy sentence that he  
19 faces in the absence of a 5K, the uncertainty of when and with  
20 what -- at what quality will a 5K come into his life, is  
21 deeply unsettling to him. And so he and I have had numerous  
22 discussions since the entry of his plea about whether or not  
23 withdrawing that plea and going the trial would be the better  
24 option for him.

25 I can not advise him to do that, because notwithstanding

1 his explanation of what happened that night, I am very  
2 concerned, under the Alford standard, that the evidence is so  
3 substantial circumstantially, that he would risk conviction,  
4 and that that conviction would come with an even greater  
5 burden -- penalty burden than the one that he is currently  
6 facing. And to withdraw the guilty plea that we entered into  
7 would, I fear, obviate any opportunity that he might have in  
8 the future for a 5K.

9 So we are at an impasse in terms of my advice and his  
10 desires. I deeply desire, and I think Miss Limehouse has made  
11 it clear that I've made that clear, that Mr. Judge not be  
12 facing a 25-year prison sentence for an offense that was based  
13 on a police encounter that was extremely limited, not based on  
14 some lengthy investigation into his conduct, not based on any  
15 allegations of violence against Mr. Judge. I have profound  
16 concerns that a 25-year sentence for somebody like Mr. Judge  
17 is simply unfair, but it is the sentence that the Government  
18 has at its disposal to impose on Mr. Judge at this point. And  
19 it would be even greater if he were to go to trial and lose.

20 So I wanted to make it clear to the Court that whatever  
21 happens after today, if Mr. Judge determines that a different  
22 lawyer would serve him better than I can, I hope that the  
23 advice that I am giving in open court is ultimately born out  
24 by the action that the Government has promised to take in the  
25 event that that information results in prosecutions, and I

1 believe on the basis of the nature of the information, it  
2 must. Because the people involved are not penny ante drug  
3 dealers on the corner, the kind of folks that I come to you  
4 and ask for probationary sentences for. These are not small-  
5 time drug dealers. These are significant members of an  
6 organized group of people involved in Atlanta and here who are  
7 moving hundreds of thousands of dollars worth of illicit  
8 substances in and out of Charleston. And the information that  
9 Mr. Judge has provided is credible, it checks out with  
10 information that DEA has. I know that DEA has already  
11 initiated one stop against one of the most culpable  
12 individuals. That stop did not result in an arrest. But he  
13 is currently on federal supervision, and I am certain that his  
14 days are numbered, and that it will be in significant measure  
15 because of information that Mr. Judge provided, that he,  
16 perhaps not alone, but almost alone, could offer.

17 So I hope I get an opportunity at some point in the future  
18 to argue to you why a sentence radically less than 25 years is  
19 appropriate for Mr. Judge. I hope that that is my charge when  
20 that 5K that I expect the Government to file, happens.  
21 Because I know that I can make that argument, and I know that  
22 I will do so with a full heart in support of the life that I  
23 believe Mr. Judge can and should live after his term of  
24 incarceration.

25 So that having been said, it's his show at this point, I



1 think.

2 THE COURT: Let me ask you this. I think the record  
3 indicates that you're retained, is that correct?

4 MS. BLAZER: Yes, sir. And for the record, I do  
5 believe that if I were relieved, Mr. Judge is indigent, his  
6 mother retained me, she paid me. He does not have an income,  
7 he does not have significant funds, so if he seeks to relieve  
8 me at the end of this hearing, I do ask that the Court have  
9 him evaluated for court appointed representation, because I  
10 think he should qualify.

11 THE COURT: Thank you. Mr. Judge, be glad to hear  
12 from you.

13 THE DEFENDANT: Yes, sir. I think Miss Blazer pretty  
14 much put everything into perspective. It isn't a personal  
15 problem between us, I just feel like the facts of the  
16 circumstances the Government has is kind of outweighing, but I  
17 just disagree with the sentencing. That's it basically.

18 THE COURT: Hold on a minute. Pick that mike up if  
19 you would. Thank you.

20 THE DEFENDANT: Yes, sir. I said I think Miss Blazer  
21 pretty much put everything into perspective as far as the  
22 relationship, and she really said everything, basically.

23 THE COURT: Okay. That puts me in a quandary for  
24 this reason. You don't often hear the U.S. Attorney stand up  
25 and say what she said in court today.

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Saying that it's not going to happen this  
3 minute, but you're very likely going to get a big break from  
4 the Government.

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Miss Blazer is saying she agrees with  
7 that. And you're saying, wait a minute, I'm ready to pull the  
8 plug because I'm not really sure what's going to happen.  
9 That, in essence, is what you're doing.

10 Are you telling me you want to withdraw this plea and go  
11 to trial?

12 THE DEFENDANT: On my way in here, I did. I have no  
13 knowledge of what Miss Limehouse informed her of as we came  
14 in. Because I just kind of feel like as up until now, I've  
15 been told a lot of things that haven't been done. So I don't  
16 feel -- I didn't feel like that it would be in my best benefit  
17 to, at a 25-year plea, I could still end up with a sufficient  
18 amount of time that isn't really relevant because the facts  
19 aren't in this case. So it being that everything that they've  
20 said to me hasn't been done, or I haven't seen, I don't know  
21 if I can believe what's been coming from them.

22 THE COURT: Let me put it another way. The options  
23 you have right now are to believe it's going to happen,  
24 because the U.S. Attorney has said she thinks it's going to  
25 happen and because Miss Blazer said she thinks it's going to

1 happen, or you taking your feelings that it is not happening  
2 quickly enough, and throw aside any benefit you've gotten from  
3 cooperating with the authorities, or from your plea agreement,  
4 and saying, I'll go to trial. And you've heard Miss Blazer's  
5 evaluation of it; if you go to trial, it's not a really rosy  
6 picture for you with a jury.

7 So I don't know what you gain at this point in the  
8 proceedings, that you can't wait to find out what's going to  
9 happen.

10 MS. BLAZER: And if I may add one thing to the  
11 record, just to clarify. One of the disagreements that we've  
12 had over the course of my representation is about the law  
13 applicable to the police encounter on the night in question.  
14 And I have told him in no uncertain terms that I think there  
15 are a list of mistakes made by the North Charleston police  
16 department in the evening of this encounter. But I have also  
17 explained to him that I think that there are legal pitfalls  
18 that prevent me from being able to successfully suppress the  
19 evidence of that encounter, notwithstanding those police  
20 mistakes, because of a variety of legal doctrines, including  
21 standing, because this was an open field, questions about the  
22 applicability of the open fields doctrine, questions about the  
23 boundary lines between reasonable suspicion and probable  
24 cause, and intervening acts and that then would result in  
25 inevitable discovery. So we would have had a lot of legal

1 arguments on both sides to make with regard to the suppression  
2 of the evidence. And so if the evidence is not suppressed,  
3 which my expectation would be that at the end, notwithstanding  
4 issues that could legitimately be raised about the way the  
5 police conducted their inquiry, we would be left with an  
6 evidentiary issue before a jury, and 12 people who have never  
7 met Mr. Judge, don't care about him, come in, hear what the  
8 Government has to say, hear what I have to say, and I fear  
9 would be very hard pressed to ignore the circumstantial  
10 evidence, not the absolute proof, but the circumstantial  
11 evidence that was present that evening. I believe Mr. Judge  
12 about what he says happened that night. That doesn't mean I  
13 believe that a jury will.

14 THE COURT: All right. Mr. Judge, I have to give you  
15 the legal version of how it looks from my point of view.  
16 That's your lawyer; you can fire her if you want to. But if  
17 you do that, and if you qualify as indigent, then I'm going to  
18 appoint somebody to represent you. You're not going to find  
19 anyone who knows any more about this case than Miss Blazer,  
20 and not likely find anyone as competent or experienced as  
21 Miss Blazer. And then you're going to turn around and go in  
22 front of a jury with whomever that person may be, as your  
23 lawyer.

24 Now, you think about that. Because you're ready to pull  
25 the plug on things you don't know or understand at the moment.

1 You've been given representations and some assurances of what  
2 will happen. And before you throw those away, you better  
3 sleep on it. You understand what I'm saying?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Irrespective of the factual allegations  
6 and the subsequent developments on the field that night,  
7 Miss Blazer is pretty good at assessing evidence and how to  
8 present it. It seems to me like, according to her, you'd be  
9 ill advised, and she's told you so, to throw the opportunity  
10 away to get a motion from the Government for a reduction in  
11 your sentence. If you get convicted, your time is going to be  
12 so substantial, then it's going to be hard, if you don't get a  
13 motion for a downward departure from the Government, it's  
14 going to be hard for you to get any benefit from all that  
15 you've done or all that she's tried to do for you.

16 Now, I don't know if that makes any sense to you. That's  
17 the best way I can put it. Right now, you have some promise.  
18 If you go in front of that jury, you have uncertainties and  
19 maybe not such a great chance. So you weigh it and you think  
20 about it and you let me know if you want to dispense with her  
21 services, and I'll withdraw this guilty plea and we'll try the  
22 case. That's what we're here for. If you want to do that,  
23 we'll do that. But at the end of the day, when that jury  
24 comes back, it's all over. Okay?

25 That's the end of this status conference, unless anybody

1 has anything else they want to add.

2 MS. LIMEHOUSE: Nothing further from the Government,  
3 Your Honor.

4 MS. BLAZER: No, sir, Your Honor. Would you like him  
5 to inform you through me or in writing?

6 THE COURT: Well, I would like him to inform me both  
7 ways. I'd like to know that you're informed of his decision,  
8 and so he'll feel free, you can write me directly whatever you  
9 want to say.

10 THE DEFENDANT: Yes, sir.

11 MS. BLAZER: Thank you, Your Honor.

12 THE COURT: We'll be at recess or adjourned.

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14 (Court adjourned at 2:33 p.m.)

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REPORTER'S CERTIFICATION

I, Debra L. Potocki, RMR, RDR, CRR, Official Court Reporter for the United States District Court for the District of South Carolina, hereby certify that the foregoing is a true and correct transcript of the stenographically recorded above proceedings.

S/Debra L. Potocki

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Debra L. Potocki, RMR, RDR, CRR